UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/49/716
25 November 1994

ORIGINAL: ENGLISH

Forty-ninth session
Agenda item 100 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Myanmar

Report of the Secretary-General

1. The present report is submitted pursuant to paragraph 15 of General Assembly resolution 48/150 of 20 December 1993, entitled "Situation of human rights in Myanmar", in which the Assembly requested me to assist in the implementation of that resolution and to report to the Assembly at its forty-ninth session.

2. As the General Assembly is aware, the Commission on Human Rights has since 1992 nominated a Special Rapporteur whose mandate is to establish direct contacts with the Government and people of Myanmar, with a view to examining the situation of human rights in Myanmar, including political leaders deprived of their liberty, their families and their lawyers, and to report his findings to the General Assembly and to the Commission. I have therefore interpreted my role as being not one of fact-finding, but rather one of good offices in assisting the Government of Myanmar to respond to the concerns of other Member States as expressed in Assembly resolution 48/150.

3. On 25 February 1994, I addressed a letter to Lieutenant-General Khin Nyunt, Secretary-1 of the State Law and Order Restoration Council, expressing my desire to establish a dialogue with the Government of Myanmar with the objective of exchanging views on the various issues of common concern and to consider how the United Nations could assist in facilitating continued progress towards the resolution of those issues (see annex I to the present report). The letter was handed in person to Lieutenant-General Khin Nyunt by Under-Secretary-General Rafeeuddin Ahmed, at that time Executive Secretary of the Economic and Social Commission for Asia and the Pacific (ESCAP), in the course of a visit he paid to Myanmar in the middle of March.

4. In a letter dated 18 March 1994 addressed to me, the Secretary-1 of the State Law and Order Restoration Council took note of my desire to establish a dialogue with his Government and promised to communicate with me on that subject in the near future. Following a démarche I made with him in late June, Squadron Leader Prasong Soonsiri, the then Minister for Foreign Affairs of Thailand, informed me in a letter dated 8 August of the Government of Myanmar's acceptance of my offer. This was subsequently confirmed in a letter, dated 24 August, addressed by the Minister for Foreign Affairs of Myanmar to Mr. Rafeeuddin Ahmed, in which he communicated that he had been appointed to represent Secretary-1 in the dialogue. (The text of the letters from Secretary-1 and from the Foreign Minister of Myanmar are reproduced in annex II.)

5. In view of the impending session of the General Assembly, I suggested that advantage be taken of the Foreign Minister's presence in New York during the general debate to initiate the dialogue. This was accepted by the Myanmar authorities and I requested Mr. Marrack Goulding, Under-Secretary-General for Political Affairs, to represent me at the meetings, which were held at United Nations Headquarters.

6. At the first meeting, on 3 October, devoted largely to a discussion of the modalities under which the dialogue would be conducted, it was agreed that the talks would proceed in New York during Foreign Minister Ohn Gyaw's presence there and would continue, if necessary, in Yangon prior to the submission of my report to the General Assembly. It was also agreed that the discussion would cover three broad categories of subjects: the Government's plans for a return to democracy, including the 1990 election, the National Convention and the situation of Daw Aung San Suu Kyi and other political leaders; human rights and humanitarian issues; and the prospects for the reintegration of the national races in the political life of the country.

7. These subjects were raised at a meeting I had with the Foreign Minister on 12 October and were the focus of discussion at two long substantive meetings between the Minister and Under-Secretary-General Goulding on 6 and 12 October. At those meetings, which were conducted in a frank and open atmosphere, the Under-Secretary-General put forward for the consideration of the Myanmar Government a series of ideas which, if implemented, would indicate a response by the Government to the concerns of the international community and would thus narrow the differences that currently exist between Myanmar and other Member States. The Foreign Minister, for his part, explained the position and policies of his Government and provided clarifications or additional information as necessary. He also agreed to convey to his Government the various ideas suggested by the Under-Secretary-General.

8. It was agreed at the end of the meeting on 12 October that a further round of talks could be held in Yangon before the submission of the present report to the General Assembly, if that was the wish of the Myanmar authorities. On 4 November, the Permanent Representative of Myanmar to the United Nations conveyed to the Under-Secretary-General an invitation to visit Yangon for this purpose. As Mr. Goulding was not available to travel at that time, I requested Under-Secretary-General Rafeeuddin Ahmed, now Associate Administrator of the United Nations Development Programme (UNDP), who had conveyed my original

message to the Myanmar authorities in March, to represent me at the resumed talks in Yangon. These took place from 21 to 23 November.

9. Mr. Ahmed continued the exchange of views with the Foreign Minister of Myanmar on the main issues covered in the two substantive meetings in New York. In addition, during his stay at Yangon, he held talks with Lieutenant-General Khin Nyunt, Secretary-1 of the State Law and Order Restoration Council, and met with Chief Justice U Aung Toe, Chairman of the National Convention Convening Work Committee, and with Deputy Attorney-General U Khin Maung Aye.

10. While welcoming the two meetings which had recently taken place between the Government and Daw Aung San Suu Kyi, my representative reiterated the request already made in New York for a meeting with her. The Myanmar authorities indicated that they intended to pursue their dialogue with Daw Aung San Suu Kyi and that certain understandings had been reached with her in this connection. In those circumstances, they did not consider it advisable to accede to the United Nations request for a meeting with her.

11. In the course of the meetings held in New York and Yangon, the Government reiterated its intention to proceed towards a multi-party democracy, at the earliest possible date consistent with a systematic and step-by-step approach. The Government also indicated that a memorandum of understanding with the International Committee of the Red Cross (ICRC) was under active consideration and that a favourable decision was expected in due course. The Government was not at present, however, in a position to accept any of the specific ideas offered by the United Nations side during the talks.

12. While this first phase of the dialogue with the Government of Myanmar has not so far produced the results hoped of it, I welcome the fact that it has begun. I also welcome the Government's agreement to continue it in the months ahead and I propose to proceed accordingly.

ANNEX I

Letter dated 25 February 1994 from the Secretary-General addressed to Secretary-1 of the State Law and Order Restoration Council

I have read with great interest the reports of the recent visit to Yangon by United States Congressman Bill Richardson and his meetings with Daw Aung San Suu Kyi, the first of which took place in the presence of the Resident Representative of the United Nations Development Programme (UNDP), Mr. Jehan Raheem.

I welcome the decision of Your Excellency's Government to permit these meetings. This decision and other measures taken recently by your Government, including the release of a number of political prisoners and the agreement with the Office of the United Nations High Commissioner for Refugees (UNHCR) for a UNHCR presence on the Myanmar side of the Bangladesh border, are positive steps. I hope that they can be followed by others in the direction of achieving national reconciliation and restoring the democratic process in Myanmar.

Foreign Minister Ohn Gyaw, in his statement to the General Assembly at its forty-eighth session, reaffirmed your Government's consistent policy of cooperating with the United Nations in every field, including human rights. In this connection, I have requested Under-Secretary-General Rafeeuddin Ahmed, Executive Secretary of the Economic and Social Commission for Asia and the Pacific (ESCAP), to hand this letter to Your Excellency and to convey personally to the Prime Minister and to you my desire to establish a dialogue with your Government. The main objective of such a dialogue would be to exchange views on the various issues of common concern and to consider how the United Nations can assist in facilitating continued progress towards the resolution of these issues. I sincerely hope that Your Excellency's Government is agreeable to this quiet approach, and you will feel free to discuss with Mr. Ahmed the modalities of how such a dialogue might be more fruitfully carried out.

(Signed) Boutros BOUTROS-GHALI

ANNEX II

A. Letter dated 18 March 1994 from the Secretary-1 of the State Law and Order Restoration Council addressed to the Secretary-General

I have the honour to acknowledge the receipt of your letter dated 25 February 1994 through the hands of the Under-Secretary-General Mr. Rafeeuddin Ahmed, Executive Secretary of the Economic and Social Commission for Asia and the Pacific, during his call on 16 March 1994 and to express my sincere thanks for the constructive remarks in regard to the measures taken by the Government of the Union of Myanmar in recent months.

I am greatly encouraged to learn that Your Excellency has been keenly interested in the developments in Myanmar, particularly the process of national reconciliation and steps taken to obtain a firm Constitution through the National Convention and I assure you of our national endeavour to carry out successfully the historical responsibility.

I have also noted with deep respect the desire you conveyed, through the Executive Secretary, to establish a dialogue with the Government of the Union of Myanmar to exchange views on the various issues with a view to considering how the United Nations can assist in facilitating continued progress towards the resolution of these issues. I hope to communicate with Your Excellency on this subject in the near future though I did not have time to discuss with Executive Secretary Ahmed Rafeeuddin during his stay in Myanmar.

(Signed) Khin NYUNT

B. Letter dated 24 August 1994 from the Minister for Foreign Affairs of Myanmar, addressed to the Executive Secretary of the Economic and Social Commission for Asia and the Pacific

With reference to the letter of the Secretary-General of the United Nations dated 25 February 1994 which you have delivered to Lieutenant-General Khin Nyunt, Secretary-1 of the State Law and Order Restoration Council, in regard to establishing a dialogue between the United Nations and the Government of the Union of Myanmar to exchange views on various issues of common concern, I have the honour to inform you that I shall be representing Secretary-1 to initiate the dialogue at a mutually agreeable date.

I wish therefore to seek your advice on the modalities of how such dialogue could be more fruitfully carried out.

The initial response to the proposal of the Secretary General to open a dialogue has been transmitted through the Minister for Foreign Affairs of Thailand on 21 July 1994 in Bangkok while you were away in New York on official duty.

(Signed) Ohn GYAW